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8 Attorneys for Plaintiff UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 JING SHAN ZHOU,)

16 Defendant.)
17)
18)

No.: CR 3-05-70522

STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
PRELIMINARY EXAMINATION
AND EXCLUDING TIME FROM
SPEEDY TRIAL CALCULATION

19 With the agreement of the parties, the Court enters this Order vacating the preliminary
20 hearing on August 18, 2005, setting a new preliminary hearing on September 22, 2005,
21 documenting Defendant's waiver of the preliminary hearing date until September 22, 2005 under
22 Federal Rule of Criminal Procedure 5.1, and excluding the time period from August 18, 2005
23 through September 22, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161.

24 The parties agree, and the Court finds and holds, as follows:

25 1. The Court has set a preliminary hearing for August 18, 2005 at 9:30 a.m.

26 Undersigned defense counsel have received approximately 500 pages of initial discovery in
27 this case. They require additional time to review the discovery and to meet and confer with the
28 Defendant. Defense counsel have had a minimal opportunity to meet with the Defendant since

1 being retained. The availability of one of the undersigned attorneys has been significantly
 2 limited due to a serious illness.

3 2. Given the foregoing facts, the parties request and agree that there is good cause
 4 for the preliminary hearing to be reset for September 22, 2005, at 9:30 a.m. The parties stipulate
 5 that the time limit for the filing of an information or indictment shall be extended under 18
 6 U.S.C. § 3161(b). The parties further stipulate that the time period from August 18, 2005
 7 through September 22, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to
 8 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

9 3. Given defense counsel's unavailability and the need for additional time to review
 10 discovery and meet with the Defendant, the failure to grant the requested continuance would
 11 unreasonably deny the Defendant effective preparation of counsel taking into account the
 12 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice
 13 would be served by the Court excluding the proposed time period; these ends outweigh the best
 14 interest of the public and the Defendant in a speedy trial. See id. § 3161(h)(8)(A), (B)(iv).

15 SO STIPULATED.

16
 17 DATED: _____

18 ROBERT HARTMANN
 19 STANLEY L. FRIEDMAN
 Attorneys for Defendant Jinh Shan Zhou

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 21 DATED: 8/15/05

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 23 EDWARD TORPOCO
 24 Assistant United States Attorney
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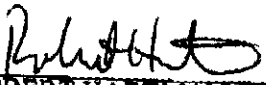
1 being retained. The availability of one of the undersigned attorneys has been signif
2 limited due to a serious illness.

3 2. Given the foregoing facts, the parties request and agree that there is
4 for the preliminary hearing to be reset for September 22, 2005, at 9:30 a.m. The par
5 that the time limit for the filing of an information or indictment shall be extended under 18
6 U.S.C. § 3161(b). The parties further stipulate that the time period from August 18, 2005
7 through September 22, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to
8 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

9 3. Given defense counsel's unavailability and the need for additional time to review
10 discovery and meet with the Defendant, the failure to grant the requested continuance would
11 unreasonably deny the Defendant effective preparation of counsel taking into account the
12 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice
13 would be served by the Court excluding the proposed time period; these ends outweigh the best
14 interest of the public and the Defendant in a speedy trial. See *id.* § 3161(h)(8)(A), (B)(iv).

15 SO STIPULATED.

16
17 DATED: 8/15/05


ROBERT HARTMANN
STANLEY L. FRIEDMAN
Attorneys for Defendant Jinh Shan Zhou

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21 DATED: 8/15/05


EDWARD TORPOCO
Assistant United States Attorney

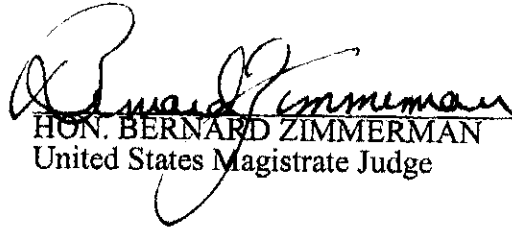
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28 STIPULATION AND ORDER
CR 3-05-70522

Please fax
to
Mr. Torpoco

1 In light of the foregoing facts, and with the consent of the parties, the Court hereby (1)
2 vacates the preliminary hearing on August 18, 2005, (2) sets a new preliminary hearing date of
3 September 22, 2005, at 9:30 a.m., (3) finds that the Defendant has waived a preliminary hearing
4 until September 22, 2005 under Federal Rule of Criminal Procedure 5.1, and (4) orders that the
5 period from August 18, 2005 through September 22, 2005 be excluded from the Speedy Trial Act
6 calculation under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8
9 DATED: 15 Aug 05


HON. BERNARD ZIMMERMAN
United States Magistrate Judge